

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87283 of 2024

Arising Out of PS. Case No.-285 Year-2024 Thana- RAGHUNATHPUR District- Siwan

1. Sandip Patel S/o Mahesh Patel @ Mahesh Kurmi Resident of village- Murarpatti, P.S.- Raghunathpur, District- Siwan
2. Pradip Patel S/o Mahesh Patel @ Mahesh Kurmi Resident of village- Murarpatti, P.S.- Raghunathpur, District- Siwan
3. Mahesh Patel S/o Late Kodayi Patel Resident of village- Murarpatti, P.S.- Raghunathpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-01-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. This application for grant of anticipatory bail arises out of Raghunathpur Police Station Case No. 285 of 2024, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The prosecution case, as per the First Information Report, on 20.10.2024, the police on a secret information that the petitioners have kept illicit liquor in the Bathan (cowshed), proceeded towards the place of occurrence and upon seeing the police party, three persons fled away. However, the Choukidaar



disclosed the name of the persons who fled away as the petitioners. The police recovered 58 litres of illicit liquor from the Bathan (cowshed) of the petitioners.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case on the basis of disclosure of their names by the chaukidaar. He further submits that the illicit liquor has been recovered from the cowshed, which is situated outside the house of the petitioners which is accessible to all and that liquor has been recovered from the public place which is open space and accessible to all and sundry.

5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that the liquor has been recovered from an open space and petitioner no. 1 is not having any criminal antecedent of similar nature of offence and the petitioner no. 3 has got two criminal antecedents only, I am inclined to grant the petitioner nos. 1 & 3 privilege of anticipatory bail. This application, so far as petitioner nos. 1 & 3 is concerned, is allowed.

6. Let the petitioner nos. 1 and 3, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten



thousand) each with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Excise Court No.II, Gopalganj, in connection with Raghunathpur Police Station Case No. 285 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

7. However, considering the fact that the petitioner no. 2 is having five criminal antecedents out of which four are of similar nature of offence, I am not inclined to grant him privilege of anticipatory bail.

8. Accordingly, this application with regard to petitioner no.2 is dismissed.

(Anil Kumar Sinha, J)

Siwani/-

U		T	
---	--	---	--

